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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

TRUSTEES OF THE U.A. LOCAL 393
PENSION FUND AND THE U.A. LOCAL 393
HEALTH AND WELFARE TRUST FUND,

Plaintiffs,

vs.

COOL BREEZE REFRIGERATION INC.,

Defendant.

CASE NO. 16-CV-02249-NC

**APPLICATION FOR CONTINUANCE OF
CASE MANAGEMENT CONFERENCE;
ORDER**

Plaintiffs' in the above entitled matter hereby make this Ex Parte application to continue the Case Management Conference which is currently set for July 27, 2016. (Plaintiffs' describe this as "Ex Parte" in a sense that it is not a noticed motion; however, no other party has appeared in the action, and therefore notice is not possible).

As set forth in the accompanying Declaration of Mark Renner, after the filing of this action, Plaintiffs' investigated whether another party might be added as a defendant to this action. Based on that prospect, counsel specifically held off initial service of the suit so that there would not have to be two successive personal services on the currently-named defendant (Cool Breeze), with the first service of the current complaint, followed by an amended complaint adding an additional defendant. Plaintiff has recently concluded that investigation and come to the conclusion that there is not sufficient basis to add the other potential defendant to the action, and this action is thus ready to

1 proceed forward. The process serving agency has been instructed to serve the defendant Cool
 2 Breeze, Inc. forthwith. However, it is anticipated that most likely will not happen until at least July
 3 15, 2016, and the time for the defendant to file a responsive pleading therefore will not have run by
 4 the time of the date currently set for the Case Management Conference.

5 Based on the above, Plaintiffs respectfully request that the Case Management Conference be
 6 moved an additional thirty day so that by that time the period within which to file a responsive
 7 pleading will have run and Plaintiffs therefore could file a Case Management Conference Statement
 8 which is either joined by the Defendant who will have appeared, or Plaintiff will have requested the
 9 Entry of Default against Defendant.

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 11 Dated: July 13, 2016

WYLIE, McBRIDE, PLATTEN & RENNER

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 13 By: 

14 MARK S. RENNER
 Attorneys for Plaintiff Trustees

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 17 ORDER

18 Plaintiffs' application for a continuance is granted. Case Management Conference set for
 19 September 7, 2016. Case management statement due August 31, 2016.

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 21 Dated: July 22, 2016

